

IN THE HIGH COURT OF JUDICATURE OF BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
NOTICE OF MOTION NO. 3203 OF 2002

IN
SUIT NO. 3624 OF 2002

Shri R. Narayan . Plaintiff
versus
Shri Rajesh H. Shah .. Defendant

...

Mr. Shivanand Dandekar i/b M. Janardhan for the
plaintiff.

Mr. N. C. Parikh i/b M. Hiralal for the defendant.

CORAM : D. G. KARNIK, J.

DATED : 28th January 2005.

P.C.:

1. Heard the learned counsel for the parties.
2. In a suit for recovery of money, the plaintiff has taken out this motion for an order of injunction restraining the defendant from selling of the

property and for appointment of a receiver. The relief of injunction against sale is in the nature of attachment and/or akin to the attachment. In paragraph no.10 of the affidavit, it is averred that the defendant is trying to part with the possession of the third parties. However, the plaintiff has not disclosed any source on the basis of which averments have been made. The affidavit also does not disclose which part of the affidavit is sworn on personal knowledge and which part of the affidavit is made on the basis of information received and the source of information. On the basis of such vague affidavit, it is not possible to hold that the defendant is trying to sell and/or dispose of his property. No other ground is made out for an order of injunction or appointment of receiver.

3. In the circumstances, motion is dismissed.

D.G. KARNIK, J